

### REMARKS

This Amendment responds to the Office Action mailed September 17, 2003. Claims 46-63 and 82-89 are pending. Claims 46, 55, 82 and 85 are independent. Claims 82-84 have been allowed.

Claim 85 is the only claim currently amended.

This Amendment is filed with a Declaration of Femenia, and a Declaration of Kallas.

#### Paragraph 11

In paragraph 11 of the Office Action, claims 85-89 were rejected under 35 U.S.C. 112, first paragraph, because of the language added in the previous amendment, that the Examiner said was not adequately described in the specification:

automatically selecting, at the computer, at least one selected remedy from a predetermined set of remedies based on the information from the complainer, the predetermined set of remedies being provided from the complaineer,

Claim 85 has been amended to eliminate this recently added recitation. The remainder of the claim is believed to be supported by the specification.

Withdrawal of the rejection of claims 85-89 under 35 USC 112, first paragraph, is requested.

#### Paragraph 14

In paragraph 14 of the Office Action, claims 46, 48, 50, 52, 53, 54 were rejected under 35 USC 103(a) over U.S. Patent No. 5,895,450 (Sloo) in view of an Online Resolution Press Release, "Online Mediation Offered for Resolving E-Commerce Disputes" ("Online Resolution").

Claim 46 calls for "named complaining," specifically,

automatically forwarding, from the computer, the approved complaint, including the information identifying the complainer, to the complaineer

Submitted herewith are a Declaration of Femenia and a Declaration of Kallas. The declarants are both very experienced dispute resolvers, and have reviewed Sloo and Online Resolution (referred to as "OM" in the Declarations).

Femenia and Kallas each declare that it is improper to combine Sloo and Online Resolution due to the nature of the references (Femenia ¶ 11, Kallas ¶ 10).

Femenia and Kallas each declare that it is improper to modify Sloo to be a system with complaint filing that names the complainer (Femenia ¶ 15, Kallas ¶ 14), as required by claim 46.

Accordingly, claim 46 is patentable over Sloo and Online Resolution.

Claims 48, 50, 52, 53, 54, in depending from claim 46, incorporate all of the parent claim's limitations and are patentably distinguishable from the cited references for the reasons set forth with respect to the parent claim.

Withdrawal of the rejection of claims 46, 48, 50, 52, 53, 54 under 35 USC 103(a) is requested.

#### **Paragraph 15**

In paragraph 15 of the Office Action, claims 47, 55, 56, 57, 58, 61, 62, 63 were rejected under 35 USC 103(a) over Sloo in view of Online Resolution and Eisen, "Are We Ready for Mediation in Cyberspace".

Claims 47 and 55 calls for a computer collecting emotional state information, specifically,

automatically receiving, at a computer, information from a complainer including information describing a problem, information relating to an emotional state of the complainer, and information identifying the complainer,

Femenia and Kallas each declare that it is improper to combine Sloo and Online Resolution due to the nature of the references (Femenia ¶ 11, Kallas ¶ 10).

Femenia and Kallas each declare that it is improper to combine Sloo and Eisen due to the nature of the references (Femenia ¶ 12, Kallas ¶ 11).

Since it is improper to combine Sloo and Online Resolution, and to combine Sloo and Eisen, it is also improper to combine Sloo, Online Resolution and Eisen.

Femenia and Kallas each declare that even if Sloo and Online Resolution were combined, the resulting combination would not result in a system that collects emotional state information of the complainer (Femenia ¶ 13, Kallas ¶ 12), as required by claims 47 and 55.

Femenia and Kallas each declare that even if Sloo and Eisen were combined, the resulting combination would not result in a system that collects emotional state information of the complainer (Femenia ¶ 14, Kallas ¶ 13), as required by claims 47 and 55.

Since each of Sloo and Online Resolution, if combined, and Sloo and Eisen, if combined, lacks a required feature of claims 47 and 55, even if Sloo, Online Resolution and Eisen are combined, a required feature of claims 47 and 55 will still be absent.

Accordingly, claims 47 and 55 are patentable over Sloo, Online Resolution and Eisen.

Claims 56, 57, 58, 61, 62, 63, in depending from claim 55, incorporate all of the parent claim's limitations and are patentably distinguishable from the cited references for the reasons set forth with respect to the parent claim.

Withdrawal of the rejection of claims 47, 55, 56, 57, 58, 61, 62, 63 under 35 USC 103(a) is requested.

#### **Paragraph 16**

In paragraph 16 of the Office Action, claim 49 was rejected under 35 USC 103(a) over Sloo in view of Online Resolution, Eisen and Brownell, "Say It Right".

Brownell was cited for its disclosure of the use of first person language. Brownell is an article on effective interpersonal communication.

Brownell is not within the field of automated assisted negotiation systems, that is, systems which do not require a human to control the negotiation process. Thus, Brownell fails the first prong of the two prong test for determining whether it is in the prior art for purposes of an obviousness determination.

Brownell is not reasonably pertinent to the field of the invention because it is solely concerned with improving a human's interpersonal skills with another human. This is not pertinent to the field of an automated negotiation system. The goal of improving a human's interpersonal skills is different than the goal of building a more effective computer system.

Since Brownell is not in the prior art, for purposes of an obviousness determination, there is no proper combination Sloo and Brownell. Thus, there is no proper combination of the cited references.

Each of the references fails to show or suggest the step of

automatically forwarding, from the computer, the approved complaint, including the information identifying the complainer, to the complaine

as incorporated in claim 49. Accordingly, even if the cited references are combined, they do not suggest the invention of claim 49.

Withdrawal of the rejection of claim 49 under 35 USC 103(a) is requested.

**Paragraph 17**

In paragraph 17 of the Office Action, claim 51 was rejected under 35 USC 103(a) over Sloo in view of Online Resolution, Eisen and U.S. Patent No. 6,154,753 (McFarland).

McFarland was cited as teaching a method for entering customer complaints into its system, wherein the complaint form is saved with an indication of when follow up with the customer is needed.

McFarland relates to a quality standards document control system, and is not within the field of the present invention, therefore failing the first prong of the two prong test for determining whether it is in the prior art for purposes of an obviousness determination.

The problem solved by a document control system, namely, disorganized documents, is different than the problem solved by the present invention, namely, facilitating dispute resolution. Thus, McFarland is not reasonably pertinent to the field of the present invention, and fails the second prong of the two prong test.

Since McFarland is not in the prior art, for purposes of an obviousness determination, there is no proper combination Sloo and McFarland. Thus, there is no proper combination of the cited references.

Each of the references fails to show or suggest the step of

automatically forwarding, from the computer, the approved complaint, including the information identifying the complainer, to the complaine

as incorporated in claim 51. Accordingly, even if the cited references are combined, they do not suggest the invention of claim 51.

Withdrawal of the rejection of claim 51 under 35 USC 103(a) is requested.

**Paragraph 18**

In paragraph 18 of the Office Action, claim 59 was rejected under 35 USC 103(a) over Sloo in view of Online Resolution, Eisen and Brownell, "Say It Right".

As explained above, it is improper to combine Sloo and any of Online Resolution, Eisen and Brownell.

As explained above, even if Sloo, Online Resolution and Eisen were combined, the combination lacks the feature of

automatically receiving, at a computer, information from a complainer including information describing a problem, information relating to an emotional state of the complainer, and information identifying the complainer,

as incorporated by claim 59. Brownell does not cure this deficiency. Accordingly, even if the cited references are combined, they do not suggest the invention of claim 59.

Withdrawal of the rejection of claim 59 under 35 USC 103(a) is requested.

**Paragraph 19**

In paragraph 19 of the Office Action, claim 60 was rejected under 35 USC 103(a) over Sloo in view of Online Resolution, Eisen and McFarland.

It is improper to combine Sloo and Online Resolution or Eisen. Accordingly, it is improper to combine Sloo, Online Resolution, Eisen and McFarland.

As explained above, even if Sloo, Online Resolution and Eisen were combined, the combination lacks the feature of

automatically receiving, at a computer, information from a complainer including information describing a problem, information relating to an emotional state of the complainer, and information identifying the complainer,

as incorporated by claim 60. McFarland does not cure this deficiency. Accordingly, even if the cited references are combined, they do not suggest the invention of claim 60.

Withdrawal of the rejection of claim 60 under 35 USC 103(a) is requested.

**Paragraph 20**

In paragraph 20 of the Office Action, claims 85, 88, 89 were rejected under 35 USC 103(a) over Sloo in view of U.S. Patent No. 5,495,412 (Thiessen).

Claim 85 calls for suggesting a remedy during complaint filing, specifically,

automatically suggesting, at the computer, at least one remedy to the complainer,

The Examiner cited Thiessen for its disclosure of automatically suggesting solutions or remedies to parties to a dispute.

However, Sloo already includes disclosure related to suggesting a remedy:

If the user selected the "Automatic Decision Maker" option in step 212 of FIG. 2, the program proceeds to the steps illustrated in FIG. 8. This routine allows any user, including those who are contemplating filing a complaint or responding to a complaint, to determine the likely resolution of a dispute before the dispute actually occurs. (column 10, lines 48-53)

Femenia and Kallas each declare that it is improper to modify Sloo so as to suggest a remedy during complaint filing (Femenia ¶ 16, Kallas ¶ 15), as required by claim 85.

Although Thiessen discloses automatically suggesting a remedy, which is also indicated in Sloo, there is no proper combination of Sloo and Thiessen that results in an automatic suggestion of a remedy during complaint filing, as required by claim 85.

Accordingly, claim 85 is patentable over Sloo and Thiessen.

Claims 88 and 89, in depending from claim 85, each incorporate all of the parent claim's limitations and are patentably distinguishable from the cited references for the reasons set forth with respect to the parent claim.

Withdrawal of the rejection of claims 85, 88, 89 under 35 USC 103(a) is requested.

#### **Paragraph 21**

In paragraph 21 of the Office Action, claim 86 was rejected under 35 USC 103(a) over Sloo in view of Thiessen and Eisen.

As explained above, it is improper to combine Sloo and Eisen. Accordingly, it is also improper to combine Sloo, Eisen and Thiessen.

Even if Sloo, Eisen and Thiessen were combined, is improper to modify Sloo so as to suggest a remedy during complaint filing (Femenia ¶ 16, Kallas ¶ 15), as incorporated in claim 86.

Withdrawal of the rejection of claim 86 under 35 USC 103(a) is requested.

**Paragraph 22**

In paragraph 22 of the Office Action, claim 87 was rejected under 35 USC 103(a) over Sloo in view of Thiessen and McFarland.

Even if Sloo, Eisen and Thiessen were combined, is improper to modify Sloo so as to suggest a remedy during complaint filing (Femenia ¶ 16, Kallas ¶ 15), as incorporated in claim 87.

Withdrawal of the rejection of claim 87 under 35 USC 103(a) is requested.

**Conclusion**

All of the claims of the instant application are believed to be in condition for allowance.

Early and favorable consideration of this application is earnestly solicited. The Examiner is invited to call the undersigned should there be any questions or issues.

Respectfully submitted,

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